

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

In re:
IKO ROOFING SHINGLE PRODUCTS
LIABILITY LITIGATION

MDL Docket No. 2104
ALL CASES

**PLAINTIFFS' MOTION AND BRIEF FOR
DESIGNATION OF MANAGEMENT STRUCTURE**

Pursuant to Paragraph 16 of Joint Case Management Conference Statement and Proposed Order filed by the parties on February 3, 2010, Plaintiffs submit the attached [Proposed] Pretrial Order No. 3 Appointing Plaintiffs' Management Structure, Liaison Counsel and Interim Class Counsel. Plaintiffs further submit the attached firm resumes and attorney biographies on behalf of the proposed co-lead attorneys and firms:

Clayton D. Halunen and Halunen & Associates;
Charles E. Schaffer and Levin, Fishbein, Sedran & Berman; and
Robert K. Shelquist and Lockridge, Grindal & Nauen, LLP

In support of this Motion, Plaintiffs urge the Court to consider the following. Since this Court's December 10, 2009 Order, Messrs. Halunen, Schaffer and Shelquist have been engaged in every facet of this case including negotiations with defense counsel regarding scheduling issues, preparation of the joint report and conference statement and handling all matters on behalf of the Plaintiffs before the Judicial Panel for Multi-district Litigation. In effect, they have acted as Plaintiffs' co-lead attorneys throughout the course of this litigation.

This Motion by Plaintiffs is made pursuant to the Court's Order No. 2 dated December 17, 2009, wherein the Court issued a tentative agenda for the initial conference, which agenda included discussion of the need for steering committees and appointment of counsel. As indicated above, the proposed co-lead attorneys and firms are submitted by agreement of the current party Plaintiffs; and Messrs. Halunen, Schaffer and Shelquist are ready, willing and able to accept the responsibilities of the co-lead counsel designation.

Plaintiffs respectfully request that this Court approve Messrs. Halunen, Schaffer and Shelquist as Plaintiffs' co-lead counsel.

Dated: February 12, 2010

Respectfully submitted,

By: /s Jon D. Robinson.
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2010, I caused to be electronically filed **PLAINTIFFS' MOTION AND BRIEF FOR DESIGNATION OF MANAGEMENT STRUCTURE** with the Clerk of Court using the CM/ECF system that will send notification of such filing(s) to the following:

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and I hereby certify that on February 12, 2010, I mailed by United States Postal Service, the document(s) to the following non-registered participants:

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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

In re:
IKO ROOFING SHINGLE PRODUCTS
LIABILITY LITIGATION

MDL Docket No. 2104
ALL CASES

[PROPOSED] PRETRIAL ORDER NO. 3
APPOINTING PLAINTIFFS' MANAGEMENT STRUCTURE,
LIAISON COUNSEL AND INTERIM CLASS COUNSEL

I. APPOINTMENT AND DUTIES OF CO-LEAD COUNSEL

A. The Court appoints Co-lead counsel consisting of the following:

Clayton D. Halunen and Halunen & Associates;

Charles E. Schaffer and Levin, Fishbein, Sedran & Berman; and

Robert K. Shelquist and Lockridge, Grindal & Nauen, LLP.

Co-lead counsel shall be generally responsible for conducting the prosecution of the litigation on behalf of plaintiffs.

B. In Addition to the above, Co-lead Counsel shall:

(1) determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;

(2) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R.Civ.P.26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

(3) supervise the efforts of other counsel or committees of counsel, in their discretion, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently, effectively and non-duplicatively;

(4) maintain adequate time and disbursement records for plaintiffs' counsel;

(5) monitor the activities of all plaintiffs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided, including the avoidance of unnecessary or duplicative communications among plaintiffs' counsel;

(6) conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent authorized;

(7) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(8) prepare and distribute periodic status reports to the parties; and

(9) perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the Court.

(10) Establish and maintain a depository for orders, pleadings, hearing transcripts, and all documents served upon plaintiffs' counsel, and make such papers available to plaintiffs' counsel upon reasonable request.

C. The Court appoints Jon D. Robinson and Bolen, Robinson & Ellis, LLP as Liaison Counsel. Liaison Counsel, in addition to interfacing with Co-Lead Counsel in furtherance of their duties (enumerated above), shall act as liaison with the Court and opposing parties and shall:

(1) maintain and distribute an up-to-date service list to all counsel;

(2) receive and, as appropriate, distribute Orders from the Court and documents from opposing parties and counsel to co-counsel;

(3) maintain and make available to co-counsel at reasonable hours a complete file of all documents served by, or upon, each party except such documents as may be available at a document depository;

(4) establish and maintain a document depository, including electronic depositions with remote access, if appropriate.

D. Plaintiffs' Executive Committee. The Court appoints Charles J. LaDuca of Cuneo Gilbert & LaDuca, LLP and Michael McShane of Audet & Partners, LLP as Co-Chairmen of the Plaintiffs' Executive Committee who shall have the same responsibilities as Co-lead Counsel. The Court further appoints as members of Executive Committee:

Michael J. Flannery and Carey & Danis; and

Nancy A. Pacharzina and Tousley, Brain, Stephens, PLLC.

E. To the extent delegated by Co-lead Counsel, members of the Executive Committee shall execute the Orders of the Court concerning the conduct of the litigation. This includes participation in drafting pleadings, motions, oral argument, written discovery, depositions, or pre-trial preparation and settlement. Co-lead Counsel may organize and delegate to other plaintiffs' counsel, members of the Executive Committee other matters to the extent appropriate for the efficient prosecution of the case.

F. In working with Co-lead Counsel to prosecute the case, members of the Executive Committee will assist in assuring that the case is handled efficiently and cost effectively, and will only engage in work assigned to them by Co-lead Counsel or Liaison Counsel.

G. Pursuant to Fed. R. Civ. P. 23(g), the Court appoints Co-lead and Liaison to act as Interim Class Counsel.

H. Defendants' counsel may rely upon all agreements and representations made with or by Co-Lead Counsel or Liaison Counsel.

I. Reimbursement for costs and/or fees for services of all plaintiffs' counsel performing functions in accordance with this order will be set at a time and in a manner established by the Court after due notice to all counsel and after a hearing. The following standards and procedures are to be utilized by any counsel seeking fees and/or expense reimbursement.

General Standards

(1) All time and expenses submitted must be incurred only for work authorized by the Co-Lead Counsel or Liaison Counsel.

(2) These Time and Expense Guidelines are intended for all activities performed and expenses incurred by counsel that relate to matters common to all claimants in MDL 2104.

(3) Time and expense submissions must be submitted on the forms prepared by Co-Lead Counsel and approved by the Court.

(4) Time and expense submissions must be submitted timely, on a monthly basis, to Co-Lead Counsel, Robert K. Shelquist, Lockridge, Grindal, Nauen, PLLP, 100 Washington Avenue South, Suite 2200, Minneapolis, MN 55401.

(5) All submissions shall be transmitted electronically or in hard copy to Co-Lead Counsel. If hard copy submissions are made, an original and one duplicate copy must be provided.

(6) The first submission is due on March 15, 2010 and should include all time through February 28, 2010. Thereafter, time records shall be submitted on the 15th of each month and shall cover the time period through the end of the preceding month.

Time Reporting

(1) Only time spent on matters common to all claimants in MDL 2104 will be considered in determining fees. No time spent on developing or processing any case for an individual client (claimant) will be considered or should be submitted.

(2) All time must be accurately and contemporaneously maintained. Time shall be kept according to these guidelines. All counsel shall keep a daily record of their time spent in connection with this litigation, indicating with specificity the hours, location and particular activity (such as “conduct of deposition of A.B.”). The failure to maintain such records, as well as insufficient description of the activity may result in a forfeiture of fees.

(3) All time for each firm shall be maintained in quarter-of-an-hour increments. Failure to do so may result in time being disallowed.

(4) All time records shall be submitted together with a form summarizing the total of member firm time broken down by each separate name of time keeper and Litigation Task Definition, the time spent during the preceding month and the accumulated total of all time incurred by the firm during the particular reporting period. The summary report form may be obtained from Plaintiffs’ Liaison Counsel.

(5) The summary report form shall be certified by a senior partner each month attesting to the accuracy and correctness of the monthly submission.

J. Privileges Preserved. No communication among plaintiffs' counsel or among defendant's counsel shall be taken as waiver of any privilege or protection to which they would otherwise be entitled.

II. SUBSEQUENT ACTIONS

This Order will apply to all subsequent "tag-along" actions related to this litigation. A copy of this Order shall be served on counsel of all subsequent "tag-along" in related actions by Liaison Counsel.

ENTERED this ____ day of _____, 2010

MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE



The law firm of Halunen & Associates was founded in 1998 and has offices in Minneapolis and Chicago. The firm has extensive experience representing plaintiffs' employment and consumer protection matters.

Clayton D. Halunen, founding member of Halunen & Associates, practices primarily in the areas of employment and class action litigation on behalf of plaintiffs. A graduate of Hamline Law School, Mr. Halunen has been practicing law since 1991 and was formally In-House Counsel for US Steel Corporation and a partner in a Duluth, Minnesota law firm before establishing Halunen & Associates in 1998. He has tried over thirty cases to a verdict and has successfully obtained millions of dollars for his clients in awards and settlements. Mr. Halunen has the distinction of obtaining the largest jury verdict in Minnesota history in an age discrimination and workers' compensation retaliation case. A case argued by Mr. Halunen was cited by the United States Supreme Court in *Pennsylvania State Police v. Nancy Drew Suders*, 542 U.S. 129 (2004), for the standard for constructive discharge in the Eighth Circuit. He has successfully appealed numerous district court decisions resulting in reversals by both state and federal appellate courts.

Clayton Halunen has served in lead, management or coordinating capacities in numerous collective actions, class actions, or consolidated litigation and in complex litigation cases. Such cases include *In re Panacryl Suture Products Liability Cases*, MDL No 1959 (E.D.N.C.); *In re FedEx Ground Package System, Inc., Employment Practices*

Litigation, MDL No. 1700 (N.D. Ind.); *Cruz, et al. v. Lawson Software, Inc.*, Civil File No. 08-5900 (D. Minn.); *In re CertainTeed Corp. Roofing Shingle Products Liability Litigation*, MDL No. 1817. (E.D. Pa.); *Hale et al. v. ABRA Auto Body and Glass, Inc.*, Civil File No. 07-3367 (D. Minn.); *Nerland et al. v. Caribou Coffee Company, Inc.*, Civil No. 05-1847 (D. Minn.); and *Davis et al. v. SOH Distribution Co.*, Civil File No. 09-237 (M.D. Pa.).

Mr. Halunen is licensed to practice in all courts for the State of Minnesota as well as the United States District Courts for the District of Minnesota and the Northern and Central Districts of Illinois. Every year since 2003, Mr. Halunen has been named one of the top 5% of lawyers practicing in the state by Minnesota Law & Politics *Super Lawyers* designation. He is a member of the National Employment Lawyers Association, the Minnesota State Bar Association (Governing Council, Labor and Employment), and Taxpayers against Fraud — a national group of attorneys representing whistle-blowers in government fraud cases. He is a frequent lecturer, has been named to the Super Lawyers list in Minnesota Law & Politics magazine every year since 2003, and is regularly named to Who's Who in Minnesota Employment Law.

LEVIN, FISHBEIN, SEDRAN & BERMAN

FIRM BIOGRAPHY

The law firm of Levin, Fishbein, Sedran & Berman (formerly known as Levin & Fishbein) was established on August 17, 1981. Earlier, the founding partners of Levin, Fishbein, Sedran & Berman, Messrs. Arnold Levin and Michael D. Fishbein, were with the law firm of Adler, Barish, Levin & Creskoff, a Philadelphia firm specializing in litigation. Arnold Levin was a senior partner in that firm and Michael D. Fishbein was an associate. Laurence S. Berman was also an associate in that firm.

The curricula vitae of the attorneys are as follows:

(a) **ARNOLD LEVIN**, a member of the firm, graduated from Temple University, B.S., in 1961, with Honors and Temple Law School, LLB, in 1964. He was Articles Editor of the Temple Law Quarterly. He is a member of the Philadelphia, Pennsylvania, American and International Bar Associations. He is a member of the Philadelphia Trial Lawyers Association, Pennsylvania Trial Lawyers Association and the Association of Trial Lawyers of America. He is admitted to the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, the Third, Fourth, Sixth, Seventh, Tenth and Eleventh Circuit Courts of Appeals and the United States Supreme Court. He has appeared pro hac vice in various federal and state courts throughout the United States. He has lectured on class actions, environmental, antitrust and tort litigation for the Pennsylvania Bar Institute, the Philadelphia Trial Lawyers Association, the Pennsylvania Trial Lawyers Association, The Association of Trial Lawyers of America, The Belli Seminars, the Philadelphia Bar Association, American Bar Association, the New York Law Journal Press, and the ABA-ALI London Presentations.

Mr. Levin is a past Chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America, and is co-chairman of the Antitrust Section of the Pennsylvania Trial Lawyers Association. He is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers, and chosen by his peers to be listed in Best Lawyers of America. He also has an “av” rating in Martindale-Hubbell.

Mr. Levin was on the Executive Committee as well as various other committees and lead trial counsel in the case of *In re Asbestos School Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 83-0268, which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs’ Steering Committee in *In re Copley Pharmaceutical, Inc., “Albuterol” Products Liability Litigation*, MDL Docket No. 94-140-1013 (Dist. Wyoming); *In re Norplant Contraceptive Products Liability Litigation*, MDL No. 1038 (E.D. Tex.); and *In re Teletronics Pacing Systems, Inc., Accufix Atrial “J” Lead Products Liability Litigation*, MDL No. 1057 (S.D. Ohio).

Mr. Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs’ Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S. The Honorable Louis L. Bechtel appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs’ Legal Committee and Liaison Counsel in the MDL proceeding of *In re Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). Mr. Levin also serves as Co-Chairman of Plaintiffs’ Management Committee, Liaison Counsel, and Class Counsel in *In re Diet Drug Litigation*, MDL 1203. He was also a member of a four lawyer Executive Committee in *In re Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.)

and is a member of a seven person Steering Committee in *In re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.). He was Chair of the State Liaison Committee in *In re Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D.WA); and is a member of the Plaintiffs' Steering Committee and Plaintiffs' Negotiating Committee in *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D.La.) and Court approved Medical Monitoring Committee in *In re Human Tissue Products Liability Litigation*, MDL No. 1763 (District of N.J.). He is currently lead counsel in *In Re Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.).

Mr. Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska). In addition, Mr. Levin is lead counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

(b) **MICHAEL D. FISHBEIN**, a member of the firm, is a graduate of Brown University (B.A., 1974). He graduated from Villanova University Law School with Honors, receiving a degree of Juris Doctor in 1977. Mr. Fishbein was a member of the Villanova Law Review and is a member of the Villanova University Law School Chapter of the Order of Coif. He is admitted to practice before the Pennsylvania Supreme Court, the United States District Court for the Eastern District of Pennsylvania, and the Third Circuit Court of Appeals. Mr. Fishbein has been extensively involved in the prosecution of a variety of commercial class actions. He is Class Counsel in *In re Diet Drug Litigation*, MDL 1203, and the principal architect of the seminal National Diet Drug Settlement Agreement. He is also a member of the Plaintiffs' Steering Committee in *In re Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D.WA).

(c) **HOWARD J. SEDRAN**, a member of the firm, graduated cum laude from the University of Miami School of Law in 1976. He was a law clerk to United States District Court Judge, C. Clyde Atkins, of the Southern District of Florida from 1976-1977. He is a member of the Florida, District of Columbia and Pennsylvania bars and is admitted to practice in various federal district and appellate courts. From 1977 to 1981, he was an associate at the Washington, D.C. firm of Howrey & Simon which specializes in antitrust and complex litigation. During that period he worked on the following antitrust class actions: *In re Uranium Antitrust Litigation*; *In re Fine Paper Antitrust Litigation*; *Bogosian v. Gulf Oil Corporation*; *FTC v. Exxon, et al.*; and *In re Petroleum Products Antitrust Litigation*.

In 1982, Mr. Sedran joined the firm of Levin, Fishbein, Sedran & Berman and has continued to practice in the areas of environmental, securities, antitrust and other complex litigation. Mr. Sedran also has extensive trial experience. In the area of environmental law, Mr. Sedran was responsible for the first certified “Superfund” class action.

As a result of his work in an environmental case in Missouri, Mr. Sedran was nominated to receive the Missouri Bar Foundation’s outstanding young trial lawyer’s award, the Lon Hocker Award.

Mr. Sedran has also actively participated in the following actions: *In re Dun & Bradstreet Credit Services Customer Litigation*, Civil Action Nos. C-1-89-026, C-1-89-051, 89-2245, 89-3994, 89-408 (S.D. Ohio); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re North Atlantic Air Travel Antitrust Litigation*, No. 84-1013 (D. D.C.); *Jaroslawicz v. Engelhard Corp.*, No. 84-3641 (D. N.J.); *Gentry v. C & D Oil Co.*,

102 F.R.D. 490 (W.D. Ark. 1984); *In re EPIC Limited Partnership Securities Litigation*, Nos. 85-5036, 85-5059 (E.D. Pa.); *Rowther v. Merrill Lynch, et al.*, No. 85-Civ-3146 (S.D.N.Y.); *In re Hops Antitrust Litigation*, No. 84-4112 (E.D. Pa.); *In re Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re Catfish Antitrust Litigation*, MDL No. 928 (Plaintiffs' Executive Committee); *In re Carbon Dioxide Antitrust Litigation*, MDL No. 940 (N.D. Miss.) (Plaintiffs' Executive Committee); *In re Alcolac, Inc. Litigation*, No. CV490-261 (Marshall, Mo.); *In re Clozapine Antitrust Litigation*, MDL No. 874 (N.D. Ill.) (Co-lead counsel); *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.); *Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc.*, Civil Action No. 87-3713 (E.D. Pa.); *In re Airlines Antitrust Litigation*, MDL No. 861 (N.D. Ga.); *Lazy Oil, Inc. et al. v. Witco Corporation, et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re Nasdaq Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.) (Co-Chair Discovery); and *In re Travel Agency Commission Antitrust Litigation*, Master File No. 4-95-107 (D. Minn.) (Co-Chair Discovery); *Erie Forge and Steel, Inc. v. Cyprus Minerals Co.*, C.A. No. 94-0404 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re Commercial Explosives Antitrust Litigation*, MDL No. 1093 (Plaintiffs' Co-Lead Counsel); *In re Brand Name Prescription Drug Antitrust Litigation*, MDL No. 997; *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087; *In re Carpet Antitrust Litigation*, MDL 1075; *In re Graphite Electrodes Antitrust Litigation*, C.A. No 97-CV-4182 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (Discovery Co-Chair); *In re Commercial Tissue Products Antitrust Litigation*, MDL No. 1189; *In re Thermal Fax Antitrust Litigation*, C.A. No. 96-C-0959 (E.D. Wisc.); *In re Lysine Indirect Purchaser Antitrust Litigation*, (D. Minn.); *In re Citric Acid Indirect Purchaser Antitrust Litigation*, C.A. No. 96-CV-009729 (Cir. Ct. Wisc.).

Recently, in *Lazy Oil Co. v. Witco Corp., et. al., supra*, the District Court made the following comments concerning the work of Co-Lead Counsel:

[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of this litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.

(d) **LAURENCE S. BERMAN**, a member of the firm, was born in Philadelphia, Pennsylvania on January 17, 1953. He was admitted to the bar in 1977. He is admitted to practice before the U.S. Courts of Appeals for the Third, Fourth and Seventh Circuits; the U.S. District Court, Eastern District of Pennsylvania; and the Bar of Pennsylvania. He is a graduate of Temple University (B.B.A., magna cum laude, 1974, J.D. 1977). He is a member of the Beta Gamma Sigma Honor Society. Mr. Berman was the law clerk to the Honorable Charles R. Weiner, U.S. District Court for the Eastern District of Pennsylvania 1978-1980. Member: Philadelphia, Pennsylvania and American Bar Associations.

Mr. Berman has participated in, *inter alia*, the following actions: *Donald A. Stibitz, et al. v. General Public Utilities Corp., et al.*, No. 654 S 1985, (C.P. Dauphin County, Pa.); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Township of Susquehanna, et al. v. GPU, et al.*,

U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437; *In re Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 U.S.D.C, E.D. Pa., (Newcomer, J.); and *Ursula Stiglich Wagner, et al. v. Anzon, Inc., et al.*, No. 4420, June Term, 1987 (C.C.P. Phila. Cty.)

(e) **FRED S. LONGER**, a member of the firm, is a graduate of Carnegie-Mellon University (B.S. 1982) and the University of Pittsburgh School of Law (J.D. 1986). Mr. Longer was a Notes and Comments Editor for the University of Pittsburgh Law Review. He is admitted to practice before the Supreme Court of Pennsylvania and the Supreme Court of New Jersey; the United States Supreme Court; the United States Court of Appeals for the Third and Fourth Circuits; and the United States District Courts for the Western and Eastern Districts of Pennsylvania, and the Districts of New Jersey and Arizona. He is a member of the American and Philadelphia County Bar Associations. He is the plaintiffs principal brief writer in *In re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D.La.); and *In Re Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.).

Mr. Longer was lead class counsel in *Estate of Mitchell Albert v. Wade Communications*, Oct. Term 1999, No. 1801 (C.P. Phila. County, PA) and has participated in many class actions including the following: *In re Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re Catfish Antitrust Litigation*, MDL No. 928; *In re Airlines Antitrust Litigation*, MDL No. 861 (N.D. Ga.); *Kelly v. County of Allegheny*, No. 6D 84-17962 (C.P. Allegheny County, PA); *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

(f) **DANIEL C. LEVIN**, a member of the firm, was born in Philadelphia,

Pennsylvania. He received his undergraduate degree from the University of Pittsburgh (B.A. 1994) and his law degree from Oklahoma City University (J.D. 1997). He is a member of Phi Delta Phi. He serves on the Board of Directors for the Philadelphia Trial Lawyers Association. He is also member of the Pennsylvania Bar Association; Pennsylvania Trial Lawyers Association, and the Association of Trial Attorneys of America. He is admitted to practice before the Supreme Court of Pennsylvania; the United States District Court for The Eastern District of Pennsylvania, and the United States Court of Appeals for the Third Circuit. Mr. Levin has been part of the litigation team in *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.); *Galanti v. The Goodyear Tire and Rubber Co.*, Civil Action No: 03-209; *Muscara v. Nationwide*, October Term 2000, Civil Action No.: 001557, Philadelphia County; and *Wong v. First Union*, May Term 2003, Civil Action No. 001173, Philadelphia County, *Harry Delandro, et al v. County of Allegheny, et al*, Civil Action No. 2:06-CV-927; *Nakisha Boone, et al v. City of Philadelphia, et al*, Civil Action No. 05-CV-1851 and *In Re Human Tissue Products Liability Litigation*, MDL No. 1763 (E.D.NJ.).

(g) **CHARLES E. SCHAFFER**, a member of the firm, born in Philadelphia, Pennsylvania, is a graduate of Villanova University, (B.S., *Magna Cum Laude*, 1989) and Widener University School of Law (J.D. 1995) and Temple University School of Law (LL.M. in Trial Advocacy, 1998). He is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Court for the Eastern District of Pennsylvania, and the Third Circuit Court of Appeals. Mr. Schaffer has been extensively involved in the prosecution of medical malpractice, products liability and a variety of commercial actions.

(h) **AUSTIN B. COHEN**, a member of the firm, is a graduate of the University of Pennsylvania (B.A., 1990) and a graduate of the University of Pittsburgh School of Law (J.D., cum laude, 1996) where he served on the Journal of Law and Commerce as an assistant and executive editor. He has authored an article titled “Why Subsequent Remedial Modifications Should Be Inadmissible in Pennsylvania Products Liability Actions,” which was published in the Pennsylvania Bar Association Quarterly. He is a member of the Pennsylvania and New Jersey bars, and is a member of the Pennsylvania and American Bar Associations.

(i) **MICHAEL M. WEINKOWITZ**, a member of the firm, born Wilmington, Delaware, June 11, 1969; admitted to bar 1995, Pennsylvania and New Jersey, U.S. District Courts, Eastern District of Pennsylvania, District of New Jersey; U.S. Court of Appeals, Third Circuit. Education: West Virginia University (B.A., magna cum laude, 1991); Temple University (J.D., cum laude, 1995); Member, Temple International & Comparative Law Journal, 1994-95; American Jurisprudence Award for Legal Writing.

(j) **CHARLES C. SWEEDLER**, is a graduate of William & Mary Law School (J.D. 1997), where he was Publication Editor of the William & Mary Law Review. He is also a graduate of Cornell University (B.A. 1983) and the University of Maryland (M.Ed. 1989). He is admitted to practice before the Pennsylvania Supreme Court, the New Jersey Supreme Court, the U.S. District Courts for the Eastern and Middle Districts of Pennsylvania and the District of New Jersey, and the U.S. Court of Appeals for the Third Circuit. He is a member of the Philadelphia and American Bar Associations.

(k) **MATTHEW C. GAUGHAN**, born in Boston, Massachusetts, is a graduate of the University of Massachusetts at Amherst, (B.B.A., 2000) and Villanova University School of Law (J.D., *Cum Laude*, 2003). He is admitted to practice in the States of New Jersey, New York and

Pennsylvania. He is also admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Mr. Gaughan has extensive involvement in products liability and commercial litigation cases.

SUCCESSFULLY LITIGATED CLASS CASES

Levin, Fishbein, Sedran & Berman's extensive class action practice includes many areas of law, including: Securities, ERISA, Antitrust, Environmental and Consumer Protection. The firm also maintains a practice in personal injury, products liability, and admiralty cases.

The firm has successfully litigated the following class action cases: *James J. and Linda J. Holmes, et al. v. Penn Security Bank and Trust Co., et al.*, U.S.D.C., Middle District of Pennsylvania Civil Action No. 80-0747; *In re Glassine & Greaseproof Antitrust Litigation*, MDL No. 475, U.S.D.C., Eastern District of Pennsylvania; *In re First Pennsylvania Securities Litigation*, Master File No. 80-1643, U.S.D.C., Eastern District of Pennsylvania; *In re Caesars World Shareholder Litigation*, Master File No. MDL 496 (J.P. MDL); *In re Standard Screws Antitrust Litigation*, Master File No. MDL 443, U.S.D.C., Eastern District of Pennsylvania; *In re Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Leroy G. Meshel, et al. v. Nutri-Systems, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 83-1440; *In re Corrugated Container Antitrust Litigation*, U.S.D.C., Southern District of Texas, Houston Division, MDL 310; *In re Three Mile Island Litigation*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 79-0432; *Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437 (a Three Mile Island case); *Donald A. Stibitz, et al. v. General Public*

Utilities Corporation, et al., No. 654 S 1985 (C.P. Dauphin County, Pa.) (a Three Mile Island case); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.) (first Superfund Class Action ever certified); *In re Dun & Bradstreet Credit Services Customer Litigation*, U.S.D.C., Southern District of Ohio, Civil Action Nos. C-1-89-026, 89-051, 89-2245, 89-3994, 89-408; *Malcolm Weiss v. York Hospital, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 80-0134; *In re Ramada Inns Securities Litigation*, U.S.D.C., District of Delaware, Master File No. 81-456; *In re Playboy Securities Litigation*, Court of Chancery, State of Delaware, New Castle County, Civil Action No. 6806 and 6872; *In re Oak Industries Securities Litigation*, U.S.D.C., Southern District of California, Master File No. 83-0537-G(M); *Dixie Brewing Co., Inc., et al. v. John Barth, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-4112; *In re Warner Communications Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 82-CV-8288; *In re Baldwin United Corporation Litigation*, U.S.D.C., Southern District of New York, MDL No. 581; *Zucker Associates, Inc., et al. v. William C. Tallman, et al. and Public Service Company of New Hampshire*, U.S.D.C., District of New Hampshire, Civil Action No. C86-52-D; *In re Shopping Carts Antitrust Litigation*, MDL No. 451, Southern District of New York; *Charal v. Andes, et al.*, C.A. No. 77-1725; *Hubner v. Andes, et al.*, C.A. No. 78-1610 U.S.D.C., Eastern District of Pennsylvania; *In re Petro-Lewis Securities Litigation*, 84-C-326, U.S.D.C., District of Colorado; *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re Hops Antitrust Litigation*, C.A. No. 84-4112, U.S.D.C., Eastern District of Pennsylvania; *In re North Atlantic Air Travel Antitrust Litigation*, No. 84-1013, U.S.D.C., District of Columbia; *Continental/Midlantic Securities Litigation*, No. 86-6872, U.S.D.C., Eastern District of Pennsylvania; *In re Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D.

Pa.) (Newcomer, J.); *Fisher Brothers v. Cambridge-Lee Industries, Inc , et al.*, Civil Action No. 82-4941, U.S.D.C., Eastern District of Pennsylvania; *Silver Diversified Ventures Limited Money Purchase Pension Plan v. Barrow, et al.*, C.A. No. B-86-1520-CA (E.D. Tex.) (*Gulf States Utilities Securities Litigation*); *In re First Jersey Securities Litigation*, C.A. No. 85-6059 (E.D. Pa.); *In re Crocker Shareholder Litigation*, Cons. C.A. No. 7405, Court of Chancery, State of Delaware, New Castle County; *Mario Zacharjasz, et al. v. The Lomas and Nettleton Co.*, Civil Action No. 87-4303, U.S.D.C., Eastern District of Pennsylvania; *In re People Express Securities Litigation*, Civil Action No. 86-2497, U.S.D.C., District of New Jersey; *In re Duquesne Light Shareholder Litigation*, Master File No. 86-1046 U.S.D.C., Western District of Pennsylvania (Ziegler, J.); *In re Western Union Securities Litigation*, Master File No. 84-5092 (JFG), U.S.D.C., District of New Jersey; *In re TSO Financial Litigation*, Civil Action No. 87-7903, U.S.D.C., Eastern District of Pennsylvania; *Kallus v. General Host*, Civil Action No. B-87-160, U.S.D.C., District of Connecticut; *Staub, et al. v. Outdoor World Corp.*, C.P. Lancaster County, No. 2872-1984; *Jaroslawicz, et al. v. Englehard Corp.*, U.S.D.C., District of New Jersey, Civil Action No. 84-3641F; *In re Boardwalk Marketplace Securities Litigation*, U.S.D.C., District of Connecticut, MDL No. 712 (WWE); *In re Goldome Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 88-Civ-4765; *In re Ashland Oil Spill Litigation*, U.S.D.C., Western District of Pennsylvania, Master File No. M-14670; *Rosenfeld, et al. v. Collins & Aikman Corp.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 87-2529; *Gross, et al. v. The Hertz Corporation*, U.S.D.C., Eastern District of Pennsylvania, Master File, No. 88-661; *In re Collision Near Chase, Maryland on January 4, 1987 Litigation*, U.S.D.C., District of Maryland, MDL Docket No. 728; *In re Texas International Securities Litigation*, U.S.D.C., Western District of Oklahoma, MDL No. 604, 84 Civ. 366-R; *In re Chain Link Fence*

Antitrust Litigation, U.S.D.C., District of Maryland, Master File No. CLF-1; *In re Winchell's Donut House, L.P. Securities Litigation*, Court of Chancery of the State of Delaware, New Castle County, Consolidated Civil Action No. 9478; *Bruce D. Desfor, et al. v. National Housing Ministries, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-1562; *Cumberland Farms, Inc., et al. v. Browning-Ferris Industries, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 87-3717; *In re SmithKline Beckman Corp. Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 88-7474; *In re SmithKline Beecham Shareholders Litigation*, Court of Common Pleas, Phila. County, Master File No. 2303; *In re First Fidelity Bancorporation Securities Litigation*, U.S.D.C., District of New Jersey, Civil Action No. 88-5297 (HLS); *In re Qintex Securities Litigation*, U.S.D.C., Central District of California, Master File No. CV-89-6182; *In re Sunrise Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, MDL No. 655; *David Stein, et al. v. James C. Marshall, et al.*, U.S.D.C., District of Arizona, No. Civ. 89-66 (PHX-CAM); *Residential Resources Securities Litigation*, Case No. 89-0066 (D. Ariz.); *In re Home Shopping Network Securities Litigation -- Action I (Consolidated Actions)*, Case No. 87-428-CIV-T-13A (M.D. Fla.); *In re Kay Jewelers Securities Litigation*, Civ. Action Nos. 90-1663-A through 90-1667-A (E.D. Va.); *In re Rohm & Haas Litigation*, Master File Civil Action No. 89-2724 (Coordinated) (E.D. Pa.); *In re O'Brien Energy Securities Litigation*, Master File No. 89-8089 (E.D. Pa.); *In re Richard J. Dennis & Co. Litigation*, Master File No. 88-Civ-8928 (MP) (S.D. N.Y.); *In re Mack Trucks Securities Litigation*, Consolidated Master File No. 90-4467 (E.D. Pa.); *In re Digital Sound Corp., Securities Litigation*, Master File No. 90-3533-MRP (BX) (C.D. Cal.); *In re Philips N.V. Securities Litigation*, Master File No. 90-Civ.-3044 (RPP) (S.D.N.Y.); *In re Frank B. Hall & Co., Inc. Securities Litigation*, Master File No. 86-Civ.-2698 (CLB) (S.D.N.Y.); *In re Genentech,*

Inc. Securities Litigation, Master File No. C-88-4038-DLJ (N.D. Cal.); *Richard Friedman, et al. v. Northville Industries Corp.*, Supreme Court of New York, Suffolk County, No. 88-2085; *Benjamin Fishbein, et al. v. Resorts International, Inc., et al.*, No. 89 Civ.6043(MGC) (S.D.N.Y.); *In re Avon Products, Inc. Securities Litigation*, No. 89, Civ. 6216 (MEL), (S.D.N.Y.); *In re Chase Manhattan Securities Litigation*, Master File No. 90 Civ. 6092 (LJF) (S.D.N.Y.); *In re FPL Group Consolidated Litigation*; Case No. 90-8461 Civ. Nesbitt (S.D. Fla.); *Daniel Hwang, et al v. Smith Corona Corp., et al*, Consolidated No. B89-450 (TFGD) (D. Ct.); *In re Lomas Financial Corp. Securities Litigation*, C.A. No. CA-3-89-1962-G (N.D. Tex.); *In re Tonka Corp. Securities Litigation*, Consolidated Civil Action No. 4-90-2 (D. Minnesota); *In re Unisys Securities Litigation*, Master File No. 89-1179 (E.D. Pa.); *In re Alcolac Inc. Litigation*, Master File No. CV490-261 (Cir. Ct. Saline Cty. Marshall, Missouri); *In re Clozapine Antitrust Litigation*, Case No. MDL874 (N.D. Ill.); *In re Jiffy Lube Securities Litigation*, C.A. No. JHY-89-1939 (D. Md.); *In re Beverly Enterprises Securities Litigation*, Master File No. CV-88-01189 RSWL (Tx.) [Central District CA]; *In re Kenbee Limited Partnerships Litigation*, CV-91-2174 (GEB) (District of NJ); *Greentree v. Procter & Gamble Co.*, C.A. No. 6309, April Term 1991 (C.C.P. Phila. Cty.); *Moise Katz, et al v. Donald A. Pels, et al and Lin Broadcasting Corp.*, No. 90 Civ. 7787 (KTD) (S.D.N.Y.); *In re Airlines Antitrust Litigation*, MDL No. 861 (N.D. GA.); *Fulton, Mehring & Hauser Co., Inc., et al. v. The Stanley Works, et al.*, No. 90-0987-C(5) (E.D. Mo.); *In re Mortgage Realty Trust Securities Litigation*, Master File No. 90-1848 (E.D. Pa.); *Benjamin and Colby, et al. v. Bankeast Corp., et al.*, C.A. No. C-90-38-D (D.N.H.); *In re Royce Laboratories, Inc. Securities Litigation*, Master File Case No. 92-0923-Civ-Moore (S.D. Fla.); *In re United Telecommunications, Inc. Securities Litigation*, Case No. 90-2251-0 (D. Kan.); *In re U.S. Bioscience Securities Litigation*, C.A. No. 92-678 (E.D. Pa.); *In re Bolar Pharmaceutical*

Co., Inc. Securities Litigation, C.A. No. 89 Civ. 17 (E.D. N.Y.); *In re PNC Securities Litigation*, C.A. No. 90-592 (W.D. Pa.); *Raymond Snyder, et al. v. Oneok, Inc., et al.*, C.A. No. 88-C-1500-E (N.D. Okla.); *In re Public Service Company of New Mexico*, Case No. 91-0536M (S.D. Cal.); *In re First Republicbank Securities Litigation*, C.A. No. CA3-88-0641-H (N.D. Tex, Dallas Division); and *In re First Executive Corp. Securities Litigation*, Master File No. CV-89-7135 DT (C.D. Calif.).

* * *

Several courts have favorably commented on the quality of work performed of Arnold Levin, Levin, Fishbein, Sedran & Berman, and Mr. Levin's former firm, Adler, Barish, Levin & Creskoff.

Judge Rambo of the United States District Court for the Middle District of Pennsylvania has favorably acknowledged the quality of work of the law firm in her opinion in *In re Three Mile Island Litigation*, 557 F. Supp. 96 (M.D. Pa. 1982). In that case, the firm was a member of the Executive Committee charged with overall responsibility for the management of the litigation. Notably, the relief obtained included the establishment of a medical monitoring fund for the class. *See also, Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437.

In certifying the class in *Weiss v. York Hospital*, Judge Muir found that "plaintiff's counsel are experienced in the conduct of complex litigation, class actions, and the prosecution of antitrust matters." *Weiss v. York Hospital*, No. 80-0134, Opinion and Order of May 28, 1981 at 4 (M.D. Pa. Mar. 1981). *See also, Weiss v. York Hospital*, 628 F. Supp. 1392 (M.D. Pa. 1986). Judge Muir, in certifying a class for settlement purposes, found plaintiff's attorneys to be adequate representatives in *In re Anthracite Coal Antitrust Litigation*, Nos. 76-1500, 77-699, 77-

1049 and found in the decision that “the quality of the work performed by Mr. Levin and by the attorneys from Adler-Barish [a predecessor to Levin, Fishbein, Sedran & Berman] who assisted him -- as exhibited both in the courtroom and in the papers filed -- has been at a high level.” *In re Anthracite Coal Antitrust Litigation*, (M.D. Pa., Jan. 1979). Judge Muir also approved of class counsel in the certification decision of *Holmes, et al. v. Penn Security and Trust Co., et al.*, No. 80-0747. Chief Judge Nealon found plaintiffs’ counsel to satisfy the requirement of adequate representation in certifying a class in *Beck v. The Athens Building & Loan Assn.*, No. 73-605 at 2 (D. Pa. Mar. 22, 1979). Judge Nealon’s opinion relied exclusively on the Court’s Opinion in *Sommers v. Abraham Lincoln Savings & Loan Assn.*, 66 F.R.D. 581, 589 (E.D. Pa. 1975) which found that “there is no question that plaintiffs’ counsel is experienced in the conduct of a class action....”

Judge Bechtle in the *Consumer Bags Antitrust Litigation*, Civil Action No. 77-1516 (E.D. Pa.), wherein Arnold Levin was lead counsel for the consumer class, stated with respect to petitioner:

Each of the firms and the individual lawyers in this case have extensive experience in large, complex antitrust and securities litigation.

Furthermore, the Court notes that the quality of the legal services rendered was of the highest caliber.

In *Gentry v. C&D Oil Company*, 102 F.R.D. 490 (W.D. Ark. 1984), the Court described counsel as “experienced and clearly able to conduct the litigation.”

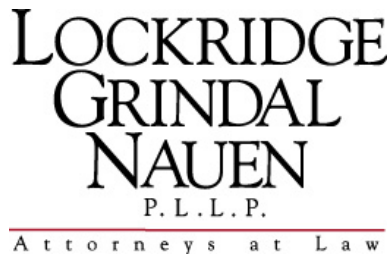
In *Jaroslavicz v. Engelhard Corp.*, No. 84-3641 (D.N.J.), in which this firm played a major role, the Court praised plaintiffs’ counsel for their excellent work and the result achieved.

In *In Re: Orthopedic Bone Screw Products Liability Litigation*, 2000 WL 1622741, *7 (E.D.Pa. 2000), the Court lauded Levin, Fishbein, Sedran & Berman counsel as follows: “The

court also finds that the standing and expertise of counsel for [plaintiffs] is noteworthy. First, class counsel is of high caliber and most PLC members have extensive national experience in similar class action litigation.”

In *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, MDL Docket No. 1203, the Court commented on Levin, Fishbein, Sedran & Berman’s efforts regarding the creation of the largest nationwide personal injury settlement to date as a “remarkable contribution”. PTO No. 2622 (E.D.Pa. October 3, 2002).

The firm has played a major role in most pharmaceutical litigation in the last 20 years.



Founded in 1978, Lockridge Grindal Nauen P.L.L.P. has extensive experience in antitrust, securities, environmental, employment, health care, commercial, intellectual property and telecommunications law.

The firm's clients include agri-businesses, business enterprises, banks, local governments, trade and industry associations, real estate developers, telecommunications providers, health care professionals, casualty insurers, publishers and authors, and a major computer manufacturer and retailer.

Lockridge Grindal Nauen P.L.L.P. attorneys are assisted by more than 20 paralegals and government relations specialists, and an extensive support staff. The firm has offices in Minneapolis, Minnesota and Washington, D.C.

Lockridge Grindal Nauen P.L.L.P. has been continuously active in class action and other complex litigation, including the following cases in which the firm and one of its named partners, Richard Lockridge, has been lead or co-lead counsel:

- *David L. Antonson, et al. v. Leon H. Robertson, et al.* (American Carriers Securities Litig.) Civil No. 88-2567 (D. Kan.);
- *In re Baycol Products Litig.*, MDL No. 1431 (D. Minn.);
- *Benacquisto, et al. v. American Express Financial Corp. et al.*, Master File No. 00-1980 (D. Minn.), Civil Action No. 96-18477 (Henn. Cty. Dist. Ct.) (insurance class action);
- *In re Catfish Antitrust Litig.*, MDL No. 928 (N.D. Miss.);
- *In re Citi-Equity Group, Inc. Securities Litig.*, Master File No. 3-94-1024 (D. Minn.);
- *In re Digi International Inc. Securities Litig.*, Master File No. 97-5 (D. Minn.);
- *George Guenther, et al. v. Cooper Life Sciences, et al.* (Cooper Life Sciences Securities Litig.), No. C 89-1823 MHP (N.D. Cal.).

- *In re LaserMaster Technologies, Inc. Securities Litig.*, Master File No. 4-95-631 (D. Minn.);
- *Lockwood Motors, Inc., et al. v. General Motors Corporation*, Master File No. 3-94-1141 (D. Minn);
- *In re Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litig.*, MDL No. 1309 (D. Minn.);
- *Meyers v. The Guardian Life Insurance Company of America, Inc. Litig.*, Civil No. 2:97CV35-D-B (N.D. Miss.);
- *In re Microcrystalline Cellulose Antitrust Litig.*, MDL No. 1402 (E.D. Pa.);
- *In re Monosodium Glutamate Antitrust Litig.*, MDL No. 1328 (D. Minn.);
- *In re New Steel Pails Antitrust Litig.*, Master File No. C-1-91-213 (S.D. Ohio);
- *In re Piper Funds, Inc. Institutional Government Income Portfolio Litig.*, Master File No. 3-94-587 (D. Minn.);
- *In re Polypropylene Carpet Antitrust Litig.*, MDL No. 1075 (N.D. Ga.);
- *In re Residential Doors Antitrust Litig.*, MDL No. 1039 (E.D. Pa.);
- *Richard J. Rodney, Jr., et al. v. KPMG Peat Marwick*, No. 4-95-CIV-800 (D. Minn.);
- *In re Select Comfort Corporation Securities Litig.*, Master File No. 99-884 (D. Minn.);
- *Gary G. Smith, et al. v. Little Caesar Enterprises, Inc., et al.* (Little Caesar Franchise Litig.), Civil No. 93 CV 74041 DT (E.D. Mich.);
- *Alan B. Spitz and Linda Spitz, and Ann Novacheck v. Connecticut General Life Insurance Company*, MDL No. 1136 (C.D. Cal.);
- *In re Steel Drums Antitrust Litig.*, MDL No. 887 (S.D. Ohio);
- *In re Summit Medical Systems, Inc. Securities Litig.*, Master File No. 97-558 (D. Minn.); and
- *In re Unisys Savings Plan Litig.*, Master File No. 91-3067 (E.D. Pa.).

LGN also had substantial involvement in the following litigation:

- *In re Air Cargo Shipping Services Antitrust Litig.*, Civil No. 1:06-md-1775-CBA-VVP (E.D.N.Y.);
- *American Telephone and Telegraph Antitrust Litig.*, Civil Action No. 81-2623 (D.D.C.);

- *In re AOL Time Warner Securities Litig.*, MDL No. 1500 (S.D.N.Y.);
- *Aviva Partners, LLC, v. Navarre Corp., et al.*, Master File No. 05-1151 (D. Minn.);
- *In re Bioplasty Securities Litig.*, Master File No. 4-91-689 (D. Minn.);
- *Chemical Distribution, Inc., et al. v. Akzo Nobel Chemicals, et al.*, MDL No. 1226 (N.D. Cal.);
- *In re Chronimed Inc., Securities Litig.*, Master File No. 01-1092 (D. Minn.);
- *In re Connecticut General Life Insurance Co. Premium Litig.*, MDL No. 1336 (C.D. Cal.);
- *In re Credit Suisse – AOL Securities Litig.*, Case No. 1:02-CV-12146-NG (D. Mass.);
- *Crosby v. Aid Association for Lutherans*, Master File No. 00-CV-2112 (D. Minn.);
- *In re Delphi Corporation Securities, ERISA, and Shareholder Derivative Litig.*, Master Case No. 05-md-1725 (E.D. Mich.);
- *Dixie Brewing Company, Inc. v. John Barth, Inc.* (In re Hops Antitrust Litig.), Civil No. 8404434 (E.D. Pa.);
- *In re Domestic Air Transportation Antitrust Litig.*, MDL No. 861 (N.D. Ga.);
- *Durocher v. American Family Life Insurance Co.*, Case No. 97-CV-292 (Marinette Cty. Dist. Ct.);
- *In re Endotronics Securities Litig.*, Master File No. 4-87-130 (D. Minn.);
- *In re Federal National Mortgage Association Securities, Derivative and ERISA Litig.*, MDL No. 1668 (D.D.C.);
- *Fink v. Rainforest Café*, No. MC 00-451 (Henn. Cty. Dist. Ct.);
- *In re Flat Glass (I) Antitrust Litig.*, MDL No. 1200 (W.D. Pa.);
- *Funeral Consumers Alliance, Inc., et al. v. Service Corporation International, et al.*, No. H-05-3394 (S.D. Tex.);
- *In re Guidant Corp. Implantable Defibrillators Products Liability Litig.*, MDL No. 1708 (DWF/AJB)(D. Minn.);
- *Haritos, et al. v. American Express Financial Advisors, Inc.*, 02-2255-PHX-PGR (D. Ariz.);
- *In re ICN/Viratek Securities Litig.*, 87 Civ. 4296 (S.D.N.Y.);

- *Johnson v. Kives* (K-Tel Securities Litig.), Master File No. 4-85-1216 (D. Minn.);
- *In re King Pharmaceuticals, Inc. Securities Litig.*, No. 2:03-CV-77 (E.D. Tenn.);
- *John S. Lawrence v. Philip Morris Companies, Inc., et al.* (Philip Morris Securities Litig.), Civil No. 94-1494 (E.D.N.Y.);
- *In re Lease Oil Antitrust Litig.*, MDL No. 1166 (S.D. Tex.);
- *Leetate Smith, et al. v. Merrill Lynch & Co., et al.* (Orange County Bond Litig.), No. SACV-94-1063-LHM(EEEx) (C.D. Cal.);
- *Glen Lewy 1990 Trust v. Investment Advisers, Inc., et al.*, No. CT-00-17047 (Henn. Cty. Dist. Ct.);
- *Low Density Polyethylene Resin Antitrust Litig.*, No. 82 Civ. 1093 (S.D.N.Y.);
- *Marksman Partners, L.P., et al. v. Chantal Pharmaceutical Corporation, et al.*, Master File No. CV-96-0872-WJR (C.D. Cal.);
- *In re Medtronic, Inc. Implantable Defibrillator Products Liability Litig.*, MDL No. 1726 (JMR/AJB) (D. Minn.)
- *In re Merck & Co., Inc., Securities, Derivative & ERISA Litig.*, No. 3:05-cv-1151 (D.N.J.);
- *In re Meridia Products Liability Litig.*, MDL No. 1481 (N. D. Ohio);
- *In re Methionine Antitrust Litig.*, MDL No. 1311 (N.D. Cal.);
- *Steven S. Mitchell v. Thousand Trails, Inc.* (Thousand Trails Security Litig.), Civil No. C86-146 (W.D. Wash.);
- *In re Nasdaq Market-Maker Antitrust Litig.*, MDL No. 1023 (S.D.N.Y.);
- *Nelsen v. Craig-Hallum (Craig-Hallum Securities Litig.)*, Master File No. 4-86-135 (D. Minn.);
- *Ohio Public Employees Retirement System, et al. v. Freddie Mac, et al.*, MDL No. 1584 (S.D.N.Y.) (Federal Home Loan Mortgage Corporation Securities Litig.);
- *In re OM Group, Inc. Securities Litig.*, No. 1:02 CV 2163 (N.D. Ohio);
- *In re Packaged Ice Antitrust Litig.*, MDL 1952, (E.D. Mich.);
- *In re Painewebber Securities Litig.*, 86 Civ. 6776 (S.D.N.Y.);
- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720 (E.D.N.Y.);

- *In Re Propulsid Products Liability Litig.*, MDL No. 1355 (E.D. La.);
- *In re Retek, Inc. Securities Litig.*, Master File No. 02-4209 (D. Minn.);
- *In re Rezulin Litig.*, MDL No. 1348 (S.D.N.Y.);
- *In re Riscorp, Inc. Securities Litig.*, Master File No. CV-96-2374-CIV-T-23A (M.D. Fla.);
- *Rodney v. OCA, Inc., et al.*, No. 05-2219 (E.D. La.);
- *In re Scientific-Atlanta, Inc. Securities Litig.*, No. 1:01-CV-1950 (N.D. Ga.);
- *In re Serzone Products Liability Litig.*, MDL No. 1477 (S.D. W. Va.);
- *Spencer v. Comserv Corporation* (Comserv Securities Liti.), Master File No. 4-84-794 (D. Minn.);
- *In re Tamoxifen Citrate Antitrust Litig.*, MDL No. 1408 (E.D.N.Y.);
- *In re Telxon Securities Litig.*, No. 5:98-CV-2876 (N.D. Ohio);
- *In re Tricord Systems, Inc. Securities Litig.*, Master File No. 3-94-746(D. Minn.);
- *In re Tyco International, Ltd.*, ERISA Civil File No. 02-cv-1357 (D.N.H.);
- *In re Vioxx Product Liability Litig.*, MDL No.1657 (E.D.La.);
- *In re Western Union Money Transfer Litig.*, Master File No. CV 01 0335 (E.D.N.Y.);
- *In re Wirebound Box Antitrust Litig.*, MDL No. 793 (D. Minn.);
and
- *In re Worldcom, Inc. Securities Litig.*, No. 02-CV-3288 (S.D.N.Y.).

Robert K. Shelquist

Robert K. Shelquist is a partner in the Lockridge Grindal Nauen P.L.L.P. firm. He is a graduate of the University of California at Berkeley (A.B. Legal Studies; A.B. Political Science with high honors 1987) and the University of Minnesota Law School (J.D. *cum laude* 1990). Thereafter, he was associated with the law firm of Popham, Haik, Schnobrich & Kaufman in Minneapolis, Minnesota from 1990 until 1995, and a partner in the law firm of Plunkett Schwartz Peterson, P.A., also in Minneapolis from 1995 to 2000.

Mr. Shelquist has prosecuted national class actions to verdict in two cases. In Peterson v. BASF Corp., Mr. Shelquist was court-appointed class counsel and was one of the trial attorneys who secured a jury verdict for a nation-wide class seeking redress for defendant's marketing of its herbicide products. After multiple state appellate opinions and two trips to the U.S. Supreme Court, a judgment in excess of \$60,000,000 was paid. He also was one of the court-appointed class counsel and trial counsel representing a certified sub-class as part of a nationwide antitrust trial in *In re Laminates* that was tried to verdict in the United States District Court for the Southern District of New York.

Mr. Shelquist has been active in class action, consumer fraud, product liability, and other complex litigation, including the following court appointed co-lead counsel, class counsel, or steering committee appointments in Peterson v. BASF Corp., Civil No. C2-97-295 (Norman County District Court, Minnesota); In Re Air Transportation Excise Tax Litigation, Civil File No. 3-96-CV-453 (D. Minn.); In Re Laminates, MDL File No. 1368, (S.D.N.Y.) (Counsel to Miami Sub-class); In re CertainTeed Corp. Roofing Shingle Products Liability Litigation, MDL 1817 (co-lead counsel); In re Kitec Plumbing

Systems Products Liab. Litig. MDL No. 2098 (N.D. Tex.) (co-lead counsel); In Re Northstar Education Finance, Inc. Contract Litigation, MDL 08-1990 (D. Minn.) (co-lead counsel); and In Re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation, MDL 08-1905 (D. Minn.) (liaison counsel). In re Zurn Pex Products Liability Litigation, MDL 1958 (D. Minn. (co-chair PSC); McFerren v. AT&T Mobility LLC, Civil No. 2008-cv-151322 (Superior Court Fulton County, GA) (chairman of Plaintiffs' Steering Committee).

Mr. Shelquist also is or has been also involved in the following litigation: In Re Baycol Products Litigation, MDL No. 1431 (D. Minn.) (discovery and briefing committees); In re Vioxx Litigation, MDL 1657 (E.D. LA); In re Rezulin Litigation, MDL 1348 (S.D. N.Y.); In re Serzone Products Liability Litigation, MDL 1477 (S.D. W.V.); In re Tamoxifen Citrate Antitrust Litigation, MDL 1408 (E.D. N.Y.); In re Western Union Money Transfer Litigation, Master File No. CV 01 0335 (CPS) (VVP) (E.D. N.Y.); In re Meridia Products Liability Litigation, MDL 1481 (N.D. Ohio) (co-chair discovery committee); In Re StarLink Corn Products Liability Litigation, MDL 1403 (N.D. IL); In Re Propulsid Products Liability Litigation, MDL 1355 (E.D. LA); In Re Digi International, Inc. Securities Litigation, Master File No. 97-5 (D. Minn.); In Re Flat Glass Antitrust Litigation, MDL 1200 (W.D. PA); In Re Milk Products Antitrust Litigation, Master File 3-96-458 (D. Minn.) (co-chair discovery committee); In Re Linerboard Antitrust Litigation, MDL 1261 (E.D. PA); In Re MSG Litigation, MDL File No. 00-1328 (D. Minn); In Re Blue Cross Blue Shield Subscriber Litigation, Master File No. 19-C3-98-7780 (Dakota County District Court, Minnesota) (co-chair of discovery committee); Brown v. State of Minnesota, Court File No. 98-11152 (Hennepin County

District Court, Minnesota); In Re Propulsid Products Liability Litigation, MDL 1355 (E.D. LA); Good v. Fluor Daniel Corp., Case No. CT-00-5021-RHW (E.D. Wash.); In Re Berg, Master File No. CY-96-3151-AAM (E.D. Wash.); In Re Lutheran Brotherhood Variable Insurance Products Co. Sales Practices Litigation, MDL No. 1309 (D. Minn.); Crosby v. Aid Association for Lutherans, File No. 00-CV-2112 MJD/RLE (D. Minn.); Villa v. Rexall Sundown, Inc., Court File No. 00-9061 (Palm Beach County Court, Florida); In Re European Rail Pass Antitrust Litigation, MDL 1386; In Re Green Tree Acceptance Corp. Securities Litigation, Master File No. 97-2666 (JRT/RLE) (D. Minn.); Hanson v. TCI Cable Corp., Court File No. CX- 97-1434 (Mower County District Court, Minnesota); Birkemeyer Farm Partnership, et al. v. Monsanto Co., et al., Court File No. 07-CV-04-1092 (D. Minn.); Larson v. Burlington Northern Santa Fe Railway Company, Civil No. CV 01-527 JEL/RLE (D. Minn.). In re: Medtronic, Inc., Implantable Defibrillators Products Liability Litigation, MDL No. 05-1726 (JMR/AJB) (trial team); In re Guidant Corp. Implantable Defibrillators Products Liability Litigation, MDL No. 05-1708 (DWF/AJB) (trial team); Robert Smale v. Sears Roebuck & Co. and Whirlpool Corp., Court File No. C3-04-8891 (Hennepin County District Court) (Liaison Counsel); Jeffrey H. Leech, et. al. v. Excel Title, LLC, Court File No. 27-CV-06-4625; Hennepin County District Court; Davenport, et al. v. Illinois Farmers Insurance Company, et al., Case No. CIV-03-158-F; In Re: Aredia and Zometa Products Liability Litigation, MDL 06-1760 (M.D. Tenn); In re: Vytarin/Zetia Marketing, Sales Practices, and Products Liability Litigation, MDL 1938 (D.N.J.); Austerschmidt v. T-Mobile USA, Inc., Court File No. 19-HA-CV-081709, Ramsey County District Court; Hensley v. AT&T Mobility, LLC, Court File No. 27-cv-08-7210, Hennepin County District Court; Koras v. Verizon

Wireless, Court File 27-cv-08-18517, Hennepin County District Court; McGregor et al. v. Uponor, Inc. et al, Court File No. 09-cv-1136 (D. Minn.); McNeil v. IKO Manufacturing, Inc., Court File No. 09-cv-2105 (C.D. Ill.); Jacobson v. Correct Building Products, LLC, Court File No. 08-cv-5135 (D. Minn.); Ross et al. v. Trex Company, Inc., Court File No. 09-cv-670 (N.D. Calif.); and In re National Arbitration Forum Litigation, Civil No. 09-1939 (D. Minn.) (Plaintiffs' Lead Counsel Committee).

Mr. Shelquist has been recognized as a Super Lawyer by *Minnesota Law and Politics* and listed by the *Guide to Leading American Attorneys*. He is currently a member of AAJ, the Federal Bar Association, and the Minnesota Bar Association.